

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5277 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

NAVINBHAI G GAJJAR

Versus

CHIEF ENGINEER (DISTRIBUTION)

Appearance:

MR TR MISHRA for Petitioner

MS MAYA DESAI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/09/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. Adverse remarks in the annual appraisal performance report of the year 1984-85 were communicated to the petitioner, a junior engineer in the respondent-Board vide memo dated 17th June 1986. He filed representation against these adverse remarks on 21st July 1986. That representation has not been decided and the petitioner

has come up before this Court by this writ petition and prayer has been made for directions to the respondents to decide this representation. During the pendency of this Special Civil Application that representation has been decided and the petitioner prayed for amendment of the Special Civil Application which has been granted and prayer has been made for quashing and setting aside of the order passed by the competent authority rejecting the petitioner's representation.

#. The learned counsel for the respondent submits that during the pendency of this Special Civil Application, the petitioner has been given promotion to the post of deputy engineer. The learned counsel for the petitioner, on being asked by the Court, admits that no order adverse to the petitioner relying on these adverse remarks has been made by respondents so far. The adverse remarks as such have no adverse effect on the service condition of the petitioner and as such, it is difficult to entertain this writ petition simpliciter challenging those adverse remarks. It is understandable if some adverse order is passed relying on these adverse remarks that the petitioner may approach to this Court and while challenging that order he may also challenge the adverse remarks. This view has been taken by this Court in more than three matters and only on this ground, this writ petition deserves to be dismissed and the same is dismissed. Rule discharged. No order as to costs.

#. However, dismissal of this writ petition will not come in the way of the petitioner to challenge these adverse remarks in case relying on the same, some order adverse to the petitioner is passed, while challenging that order.

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